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3763

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/497,620
Filing Date	February 3, 2000
First Named Inventor	Ott, et al.
Art Unit	3763
Examiner Name	Mendez, Manuel A.
Attorney Docket Number	1-15368

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Consideration of an Additional IDS & Attachments
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARSHALL & MELHORN, LLC		
Signature			
Printed name	D. Edward Dolgorukov		
Date	10/31/05	Reg. No.	26,266

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	D. Edward Dolgorukov	Date	10/31/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Lisa Donbrosky

Lisa Donbrosky
(signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
DOUGLAS E. OTT, et al.)	Group Art Unit 3763
)	
Serial No. 09/497,620)	Examiner: Mendez, Manuel A.
)	
Filed: February 3, 2000)	
)	Attorney Docket 1-15368
For: METHOD AND APPARATUS)	
FOR CONDITIONING GAS FOR)	
MEDICAL PROCEDURES)	
HAVING HUMIDITY AND)	
RECHARGE ALERT)	

October 31, 2005

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REQUEST FOR CONSIDERATION OF AN ADDITIONAL INFORMATION
DISCLOSURE STATEMENT SUBMITTED BEFORE MAILING OF THE NOTICE
OF ALLOWANCE

Honorable Sir:

For reasons set forth below, it is respectfully requested that the US Patent and Trademark Office file for this application be promptly forwarded to Examiner Mendez, for confirmation that the references listed on PTO-1449 attached to the Information Disclosure Statement filed have been considered.

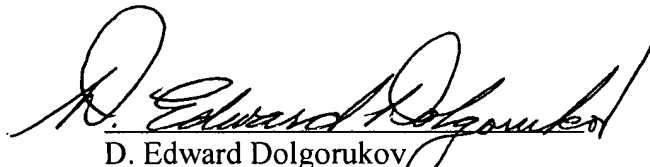
On October 11, 2005, Applicants submitted a "Request for Consideration of an Information Disclosure Statement Submitted Before Mailing of the Notice of Allowance". Further review of the file shows the need to file a "Request for Consideration of an Additional Information Disclosure Statement Submitted Before Mailing of the Notice of Allowance".

On July 19, 2004, Applicants filed an Information Disclosure Statement ("IDS") with PTO-1449 form attached by facsimile, listing the references submitted for consideration. Copies of the cited references were also included. An Amendment was filed at the same time. This IDS was received at the US Patent and Trademark Office on July 19, 2004, as shown on the PTO "Auto-Reply Facsimile Transmission", copies of which are attached. For the convenience of the Examiner, a copy of the IDS and the cited references filed July 19, 2004 are enclosed.

The Notice of Allowance for this application was mailed on September 21, 2005. However, Examiner Mendez has not returned a copy of the PTO-1449 form indicating consideration of the references cited in the IDS filed July 19, 2004.

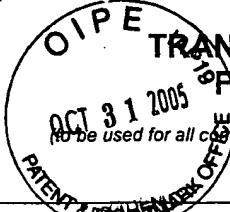
Accordingly, Applicant hereby requests confirmation of consideration of the previously filed IDS. Examiner Mendez is requested to initial the references listed on the PTO-1449 form to show that they were appropriately considered during examination of this application. The Commissioner is hereby authorized to credit any overpayment, or to charge any additional fee required by this paper, to Deposit Account No. 13-1816 of Marshall & Melhorn.

Respectfully submitted,


D. Edward Dolgorukov
Registration No. 26,266

ATTORNEYS

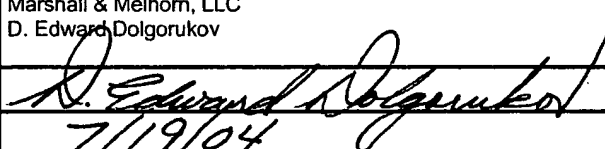
Marshall & Melhorn, LLC
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Toledo, Ohio 43604
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	Application Number	09/497,620
	Filing Date	February 3, 2000
	First Named Inventor	Douglas E. Ott, et al.
	Art Unit	3763
	Examiner Name	M. Thompson
Total Number of Pages in This Submission	Attorney Docket Number	1-15368


ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Marshall & Melhorn, LLC D. Edward Dolgorukov		
Signature			
Date	7/19/04		

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Typed or printed name	D. Edward Dolgorukov		
Signature		Date	7/19/04

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July 19, 2004

D. Edward Dolgorukov

(Name)

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
DOUGLAS E. OTT, et al.,

Filed: February 3, 2000

Serial No. 09/497,620

For: METHOD AND APPARATUS FOR
CONDITIONING GAS FOR MEDICAL
PROCEDURES HAVING HUMIDITY
MONITORING AND RECHARGE ALERT

Group Art Unit 3763

Examiner M. Thompson

Attorney Docket 1-15368

July 19, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Honorable Sir:

Pursuant to Section 1.97 of Title 37 of the Code of Federal Regulations, record is hereby made of information, which the United States Patent and Trademark Office may wish to consider during examination of the above-entitled application. No representation is made or intended that a prior art search was conducted, or that no better information than that listed is available.

A copy of each document is listed on the attached Form PTO/SB/08B enclosed herewith. It is requested that they be fully considered and made of record in this case.

The present information disclosure statement is being filed before a final action on the merits, and within three (3) months from the date that each item listed in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this information disclosure statement. No fee is believed due, as this information disclosure statement is being filed under the provisions of 37 C.F.R. 1.97(e).

Respectfully submitted

A handwritten signature in black ink, appearing to read "D. Edward Dolgorukov", written over a horizontal line.

D. Edward Dolgorukov
Registration No. 26,266

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number 09/497,620
 Filing Date February 3, 2000
 First Named Inventor Douglas E. Ott, et al.
 Art Unit 3763
 Examiner Name M. Thompson
 Attorney Docket Number 1-15368

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5,006,109	04-09-1991	Donald D. Douglas, et al.	See Attached
		US- 5,411,474	05-02-1995	Douglas E. Ott, et al.	See Attached
		US- 5,246,419	09-21-1993	Gregory T. Absten	See Attached
		US- 6,010,118	01-04-2000	Edek Milewicz	See Attached
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		DE 195 10710 A1	09-19-1996	Mueller, Bernd	See Attached	
		WO 98/26826	06-25-1998	Cook, William A.	See Attached	
		Supplementary Search Report	05-04-2004		See Attached	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND

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Received
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 Page

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JUL-19-04 02:36PM FROM-MARSHALL & VEHORH	+419-249-7151	T-159 P 10/47 F-265
5,006,109		
<p>ment the internal filter of the heated regulator 8 with a separate filter 12, to be described in greater detail below. The heated regulator system is thus "fail-safe," possessing an over-pressure safety relief valve, and is present at 100° F., protecting the gas delivery system and the patient from malfunctions in the gas source and associated regulator. Implementations of the heated regulator 8 should possess the characteristics that are full-safe, durable and easy to operate.</p> <p>Tubing connects the heated regulator 8 on gas source 2 to provide gas to filter 12. The tubing 10 may be implemented with a 0.25-inch outside diameter polyethylene tubing, manufactured by Tubing Corporation, a division of Beacon Hose Manufacturing Company, Charlotte, N.C. 28205.</p> <p>The tubing 10 (and tubing used generally throughout the device, unless otherwise noted) performs the function of carrying gas from a source to a destination. Alternative implementations of certain lengths of the tubing include passageways integrally cast or bored into the material (e.g., stainless steel) which comprises the body of the gas delivery system. For connections outside the main body of the gas delivery system, alternative implementations of tubing include insulated copper, brass or stainless steel tubing or polyvinyl chloride tubing, depending on the medical requirements of the gas being used. Implementations of the tubing 10 should also possess the characteristic that they minimize heat loss to the environment.</p> <p>Minimization of heat loss to the environment facilitates predictive temperature control of the gas, which is primarily heated within the gas delivery system body 1 before traversing progressively thin channels before reaching the patient. Tubing which is external to the main body 1 (and tubing within a container, if the body is not of unitary construction) is preferably thermally insulated, using, for example, 0.25" outside diameter polypropylene tubing, Model No. PP430500, by Parker Hose Division, 30240 Lakeland Drive, Wickliffe, Ohio 44092. Other desirable tubing characteristics include being inert to the gas being used, durability and approval for medical use.</p> <p>A filter 12 removes foreign matter from the gas prior to the gas entering the body of the delivery system 1. The filter 12 is preferably implemented with a gas filter manufactured by Wilkerson Corporation, of P.O. Box 127, Englewood, Colo. 80150, as Part/Model No. F00-02-000. The filter 12 is connected to the heated regulator 8 to receive heated gas, and provides pure, filtered gas to a primary heater 16.</p> <p>The filter 12 supplements any filter in the heated regulator 8 in removing undesired substances which may have entered the gas. (Such substances may include water droplets, or small fragments inadvertently expelled from the gas source 2 into the gas.) Implementations of the filter 12 should allow removal of moisture and metallic filings, be easily replaceable, and be compatible with the gas being used.</p> <p>Gas passes through tubing 14 from filter 12 to the primary heater 16. The primary heater 16 may be implemented with a heater having the characteristics of a heater manufactured by CalCo Controls, Inc., 316 Cary Point Drive, Cary, Ill. 60012 as Model No. 300P, Part No. RMIE-3-1 (CO₂, CCA, 320 cu ft/m²). The primary heater 16 heats the smoothly flowing, filtered gas to a desired temperature.</p> <p>For reasons described elsewhere in this specification, it is preferable in many scenarios that the temperature at</p> <p>it enters the patient be the body temperature of the patient, so that the endoscopic or medical procedure is carried out under physiologic, or near-physiologic, conditions. However, it is understood that the present invention may be practiced using any desired gas temperature, including temperatures which may be different from the patient's body temperature.</p> <p>Generally, the temperature of the gas at the primary heater 16 will be different than the gas at the point of administration to the patient, at the end of path 52. The heat loss between primary heater 16 and the point of administration may be approximately 32° F., as in the case of colonoscopy. Heat loss for other medical procedures may be less depending on the amount of heat sink from the instrument attached to the output of main block 1. Concerning colonoscopy, due to these heat losses to atmosphere, to the light source and to the endoscopic components which are lower than body temperature, the temperature of the gas at the primary heater 16 will generally have to be set higher than body temperature. The degree of heat loss may be measured empirically for each given set of equipment.</p> <p>Unpredictability or variation of heat loss are minimized by insulating any tubes which are external to the equipment, and by controlling the temperature of the equipment through which the gas must pass before being administered to the patient. In embodiments in which the main body 1 of the gas delivery system is a block of, e.g., of insulated stainless steel, the task of minimizing (or at least predictably controlling) heat loss is facilitated by controlled heating of the unchanging physical configuration of the device.</p> <p>Enhancement of control of the temperature of the primary heater gas is achieved by feedback of actual gas temperature measurements made at or near the point of administration, along path 52. In such an embodiment, the temperature sensor 22 is replaced by a temperature sensor 22' along path 52, and a trim thermostat 20. The temperature sensor 22' may be, for example, an adapted 360° Ranco 060-100 capillary and bulb sensor thermostat, manufactured by Ranco Control, 8115 U.S. Route 42N, Plain City, Ohio 43064.</p> <p>Trim thermostat 20, when used in conjunction with temperature sensor 22', is calibrated to reflect a greater difference in temperature between measured temperature (at 52) and heater temperature (at 16) than if temperature sensor 22 is employed, as will readily be appreciated by those skilled in the art. In any of these temperature feedback control methods, the gas finally administered to the patient may be controlled to a medically optimum temperature.</p> <p>Other heaters associated with the gas delivery system, such as the heater in heated regulator 8 and the heating elements used in conjunction with the constrainer heater 56 (described above), are considered auxiliary in function to primary heater 16. It is the primary responsibility of primary heater 16 to heat the gas to the temperature which will ultimately cause the administered gas to be of the desired temperature as required by the physician.</p> <p>Implementations of the primary heater 16 should also possess the characteristic that it reliably heats the gas in a controlled and accurate manner. In a preferred embodiment, primary heater 16 is provided with an internal safety mechanism which has been pre-set at a maximum safe temperature of, for example, 170° F.</p> <p>The heating element of the heater 16 is controlled by a trim thermostat 20. Trim thermostat 20 allows the user</p>		

W/IDS
 Refs.